

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RICHARD THOMAS,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:04CV250 RWS
)	
LARRY ROWLEY,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

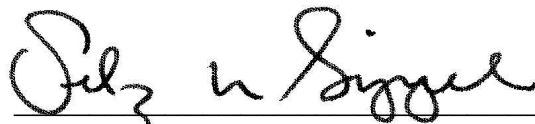
On March 30, 2007, I adopted Judge Adelman's Report and Recommendation denying petitioner's habeas petition. In my Memorandum and Order, I noted that petitioner had not objected to the Report and Recommendation, despite being granted an extension of time to do so. I have now received petitioner's objections and will treat them as a motion to alter or amend the judgment under Rule 59 of the Federal Rules of Civil Procedure.

Petitioner argues that Judge Adelman improperly applied the law to his two grounds for relief and erroneously determined that his petition should be denied. I have conducted a de novo review of the entire file, including all matters relevant to the petition. After careful consideration, I will deny petitioner's motion to alter or amend the judgment.

With respect to petitioner's two claims, I agree with Judge Adelman that the state court determination on the merits of these claims was not "contrary to" or an "unreasonable application of" clearly established federal law. 28 U.S.C. § 2254(d)(1). I also agree that petitioner has not shown that the state court determination "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding." 28 U.S.C. § 2254(d)(2). Because Judge Adelman correctly decided petitioner's claims, I am denying petitioner's motion to alter or amend the March 30, 2007 Judgment denying habeas relief. Accordingly,

IT IS HEREBY ORDERED that petitioner is granted leave to file his objections to the Report and Recommendation, which the Court construes as a motion to alter or amend the Judgment dated March 30, 2007.

IT IS FURTHER ORDERED that petitioner's objections, which the Court construes as a motion to alter or amend the Judgment dated March 30, 2007, are denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of April, 2007.